

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CV 55 MOC WCM

ASHLEY GALLEHER, on behalf of)
herself and all others similarly situated,)

Plaintiff,)

v.)

ARTISANAL, LLC, and BILL GREENE,)

Defendants.)

ORDER

Before the Court is a Joint Motion for Extension of Time, Case Deadlines – Revised (the “Motion,” Doc. 34), by which the parties request a 60-day extension of the deadline to complete discovery, conduct mediation, and file motions.¹

The original, current, and proposed deadlines are:

	Original	Current	Proposed
Discovery:	8/3/2020	9/3/2020	11/2/2020
Mediation:	8/17/2020	9/17/2020	11/16/2020
Motions:	9/1/2020	10/1/2020	12/1/2021

This case is currently set for the February 1, 2021 trial term.

¹ A previous Joint Motion for Extension of Time to Complete Case Deadlines was denied without prejudice on September 30, 2020. Doc. 33. The instant revised motion was filed on October 19, 2020.

The parties assert that the requested extensions are necessary because the case involves multiple opt-in plaintiffs (each with his or her own set of documents and presenting the need for individual discovery), and because “[t]he COVID-29 pandemic has also played a substantial role in the delays in discovery experienced in this case.” Doc. 34, p. 2.

A telephonic hearing on the Motion was conducted on November 2, 2020. During that hearing, Plaintiffs’ counsel again advised that delays had occurred due to difficulties in coordinating with the multiple opt-in Plaintiffs, while defense counsel stated that Defendants had not served discovery until July. Counsel for both parties candidly admitted that they would not be prepared to proceed with trial in February 2021.

A Pretrial Order and Case Management Plan was entered in this case on December 2, 2019, Doc. 22, and the deadlines set out therein have been extended once previously. Doc. 31. Pretrial deadlines are important to the orderly and efficient management of a case, and counsel should not expect extensions of pretrial deadlines to occur as a matter of course.

Here, the parties’ failure to meet the deadlines set forth in the Pretrial Order is troubling and the undersigned has closely considered whether the Motion should be denied with the case proceeding to trial as scheduled. However, in view of the representations of counsel during the November 2, 2020 hearing, particularly the statements of Plaintiffs’ counsel that, in

Plaintiffs' view, at least some of the claims may be disposed of through motion practice prior to trial, and bearing in mind that the District Court will need time to address such motions in advance of trial, and further upon consultation with the chambers of the presiding District Judge, the undersigned will grant the parties' requested extensions, as well as a corresponding extension of the trial setting.

The parties are advised, however, that they should plan to complete their pretrial preparations on this revised schedule and should not expect any further deadline changes absent truly compelling circumstances.

IT IS THEREFORE ORDERED THAT:

1. The Joint Motion for Extension of Time, Case Deadlines – Revised (Doc. 34) is **GRANTED**, and the following deadlines are **EXTENDED**:

- a. Discovery through and including November 9, 2020;²
- b. Mediation through and including November 16, 2020; and
- c. Motions through and including December 1, 2020.

2. **IT IS FURTHER ORDERED** that the trial of this matter is **CONTINUED** from the February 1, 2021 calendar and is **RESET** for the April 5, 2021 trial term.

² The Motion seeks an extension of the discovery deadline through November 2. However, considering the extension of the other deadlines, the undersigned will provide the parties with an additional 7 days for that purpose.

3. All other provisions of the Pretrial Order and Case Management Plan (Doc. 22), remain in effect.

Signed: November 3, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

